IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29/07/2003

CORAM

THE HONOURABLE MR.JUSTICE M. CHOCKALINGAM

CRL. APPEAL NO.220 OF 1996

V. Ramayal .. Appellant

-Vs-

State
rep. by Inspector of Police
Civil Supplies-CID Unit
Erode
Periyar District .. Respondent

This criminal appeal is preferred under Section 374(2) and 375 Cr.P.C. against the conviction and sentence passed in STC No.15/1995 by judgment dated 14.2.1996 made by the lerned Special Judge for EC Act, Coimbatore.

!For Appellant : Mr.S.Ramarathinam

^For Respondent : Mr.O.Srinath
Govt. Advocate(Crl. Side)

:JUDGMENT

Challenging the judgment of the learned Special Judge for E.C. Act, Coimbatore made in STC No.15 of 1995 dated 14.2.1996, the appellant herein has brought forth this appeal. The trial Court has awarded punishment of three months R.I. and fine of Rs.1000/- to the accused under Section 7(1)a(ii) of EC Act on the admission made by the appellant before that court.
2. The learned counsel for the petitioner inter-alia has brought to the notice of the court that the trial court has not questioned the accused before passing the sentence, which is a mandatory provision of law. Since the same has not been followed, the appeal has got to be allowed and the judgment of the trial court has got to be set aside.
3. On a perusal of the case bundle, this Court is satisfied that the court below has not strictly followed the mandatory provisions under the code of criminal procedure and there is no question as to the sentence imposed on the appellant. Hence, on the short ground, the judgment of the trial court has got to be set aside with an order of remittal to the court below to proceed in accordance with law. Accordingly, the judgment of the trial court is set aside. The matter is remitted back to the trial court to proceed in accordance with law. This criminal appeal is allowed.

Index : Yes
Internet : Yes
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To
1. The Special Judge for EC Act cases, Coimbatore
2. The Principal District and Sessions Judge, Coimbatore
3. The Public Prosecutor, High Court, Madras
4. Mr.O.Srinath, Govt. Advocate(Criminal side_
High Court, Madras
5. The Inspector of Police, Civil Supplies CID Unit
Erode, Periyar District